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December 17, 2024

**VIA ECF**

Honorable Eric N. Vitaliano  
United States District Judge, E.D.N.Y.  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Request Regarding Status; -  
Nathan Tempey v. U.S. Department of Homeland Security, No. 1:20-cv-05212**

Dear Judge Vitaliano:

We are counsel for plaintiff Nathan Tempey (“Plaintiff”) in the above-captioned matter. We write with respect to the pending cross-motion for summary judgment, which concerns a 2018 FOIA request for information for news reporting relating to statements made by the then-Trump administration in that same year. *See* Dkt. 33-48.<sup>1</sup> The cross-motion was fully submitted over two years ago, on November 2, 2022.

In light of the recent election, the information sought has renewed relevance, and Plaintiff is legitimately concerned that the turnover in personnel in the government as of next month may result in much of the sought information being destroyed. In this sense, justice delayed may, in fact, be justice denied here. Accordingly, Plaintiff respectfully requests that given the importance of the press in accessing information of public interest relating to government officials—particularly those acting under the direction of President-Elect Trump—this matter be addressed soon or referred to the magistrate judge or another judge (if any) who may be able to decide the matter before Inauguration Day.

We thank the Court for its consideration of this request.

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<sup>1</sup> The press release at issue that was the subject of the FOIA request was titled, “We Must Secure The Border And Build The Wall to Make America Safe Again” and resembled the length and syntactical structure of a common white supremacist slogan known as “The 14 Words.” *See* ECF 46 at 4.



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Respectfully submitted,

*/s/ Eleanor M. Lackman*

Eleanor M. Lackman  
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cc: All counsel of record (via ECF)